

Message Text

SECRET

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ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

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APPROVED BY TH SECRETARY
NEA - MR. ATHERTON
L - MR. HANSELL
P - MR. NEWSOM (INFORMED)
S/S-0 :JETHYDEN

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FM SECSTATE WASHDC
TO AMEMBASSY TEL AVIV IMMEDIATE
INFO WHITE HOUSE IMMEDIATE 0000

S E C R E T STATE 091103

NODIS

E.O. 11652: XGDS-1, 2

TAGS: MASS, MOPS, IS, LE, US

SUBJECT: CLUSTER BOMB UNITS (CBU'S): RESTRICTIONS ON USE

REF: STATE 90980

1. YOU SHOULD SEEK WRITTEN REAFFIRMATION FROM ISRAEL OF THE TEXT OF THE 1976 DINITZ/MCAULIFFE LETTER IN THE FORM OF A FORMAL EXCHANGE OF NOTES AS EARLY AS POSSIBLE. FYI: AS YOU WILL RECOGNIZE FROM PRESS GUIDANCE BEING SUPPLIED YOU BY SEPTTEL, WE DO NOT REPEAT NOT INTEND TO PROVIDE CONGRESS WITH A SEPARATE NOTIFICATION THAT A VIOLATION OF THE 1976 ASSURANCES "MAY HAVE OCCURRED." WE BELIEVE THE REPORT ALREADY FILED IS SUFFICIENT TO COVER THE 1952

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AGREEMENT AND THE 1976 ASSURANCES. THE EXCHANGE OF NOTES WILL ASSIST US IN DEALING WITH THIS PROBLEM, IN PART BECAUSE IT WILL INCORPORATE AN EXPLICIT REFERENCE TO OUR BASIC 1952 AGREEMENT. THE EXCHANGE OF NOTES WILL BE PROVIDED TO CONGRESS IN ACCORD WITH THE CASE ACT. END FYI.

2. SINCE THIS IS SO CLEARLY IN ISRAEL'S INTEREST, WE TRUST

THAT AN EXCHANGE OF NOTES CAN BE COMPLETED AS EARLY AS POSSIBLE.

3. FOLLOWING IS THE TEXT OF THE DIPLOMATIC NOTE
CLASSIFIED SECRET YOU SHOULD PRESENT TO THE ISRAELIS:

BEGIN TEXT:

EXCELLENCY:

I HAVE THE HONOR TO REFER TO OUR RECENT DISCUSSIONS REGARDING THE ASSURANCES GIVEN BY THE GOVERNMENT OF ISRAEL ON DECEMBER 16, 1976, REGARDING STIPULATIONS AND CONDITIONS WITH RESPECT TO CLUSTER BOMB UNITS (CBU'S) AND LASER-GUIDED BOMB (LGB) UNITS FURNISHED TO THE GOVERNMENT OF ISRAEL BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA. THESE ASSURANCES, UNDERTAKEN IN IMPLEMENTATION OF THE MUTUAL DEFENSE ASSISTANCE AGREEMENT EFFECTED BY AN EXCHANGE OF NOTES SIGNED AT TEL AVIV JULY 1 AND 23, 1952, PROVIDED AS FOLLOWS:

"1. CBU'S

"A) THESE WEAPONS WILL BE USED ONLY IF ISRAEL IS ENGAGED IN ACTIVE GENERAL HOSTILITIES WITH THE REGULAR ARMED FORCES OF ONE OR MORE ARAB STATES AT A LEVEL OF
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ARMED CONFLICT ON THE SCALE EXPERIENCED DURING JUNE 1967 AND OCTOBER 1973. (TRAINING WITHIN ISRAELI TERRITORY IS EXEMPTED FROM THIS PROVISION.)

"B) THESE WEAPONS WILL BE USED ONLY AGAINST CLEARLY DEFINED MILITARY TARGETS, AND THEY WILL NOT BE USED AGAINST TARGETS LOCATED IN, OR IN CLOSE PROXIMITY TO, CIVILIAN POPULATION CENTERS.

"C) THESE CONDITIONS ARE TO BE APPLIED TO ALL CBU'S SOLD BY THE UNITED STATES PURSUANT TO THE APPROVED LIST OF EQUIPMENT PROVIDED TO THE GOI IN JANUARY 1976, AS WELL AS TO THOSE PREVIOUSLY SOLD, THOSE WHICH MAY BE SOLD IN THE FUTURE, AND THOSE WHICH MAY BE PRODUCED IN ISRAEL UTILIZING, DIRECTLY OR INDIRECTLY, U.S. COMPONENTS OR TECHNOLOGY.

"2. LGB'S

"A) THESE WEAPONS WILL BE USED ONLY IF ISRAEL IS ENGAGED IN ACTIVE GENERAL HOSTILITIES WITH THE REGULAR ARMED

FORCES OF ONE OR MORE ARAB STATES AT A LEVEL OF ARMED
CONFLICT ON THE SCALE EXPERIENCED DURING 1967 AND OCTOBER
1973. (TRAINING WITHIN ISRAELI TERRITORY IS EXEMPTED
FROM THIS PROVISION.)

"B) THESE WEAPONS WILL BE USED ONLY AGAINST CLEARLY
DEFINED MILITARY TARGETS.

"C) THESE CONDITIONS ARE TO BE APPLIED TO ALL LASER
GUIDED BOMB SYSTEMS SOLD BY THE UNITED STATES
PURSUANT TO THE APPROVED LIST PROVIDED TO THE GOI
IN JANUARY 1976 AS WELL AS THOSE WHICH MAY BE SOLD
IN THE FUTURE, AND THOSE WHICH MAY BE PRODUCED IN
ISRAEL UTILIZING, DIRECTLY OR INDIRECTLY, U.S.

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COMPONENTS OR TECHNOLOGY."

IT IS THE UNDERSTANDING OF THE UNITED STATES GOVERNMENT
THAT THE GOVERNMENT OF ISRAEL IS PREPARED TO CONFIRM
THESE ASSURANCES AS SUPPLEMENTARY UNDERTAKINGS IN
IMPLEMENTATION OF THE AFOREMENTIONED MUTUAL DEFENSE
ASSISTANCE AGREEMENT. ACCORDINGLY, I HAVE THE HONOR
TO PROPOSE THAT THIS NOTE, TOGETHER WITH YOUR
EXCELLENCY'S REPLY EXPRESSING SUCH CONFIRMATION, SHALL
CONSTITUTE AN AGREEMENT BETWEEN THE GOVERNMENT OF
THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF
ISRAEL, EFFECTIVE ON THE DATE OF YOUR NOTE AND
APPLICABLE TO CBU'S, LGB'S AND RELATED COMPONENTS
AND TECHNOLOGY PREVIOUSLY OR HEREAFTER FURNISHED AS
STATED IN THE ABOVE-QUOTED ASSURANCES OF DECEMBER 16,
1976.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY
HIGHEST CONSIDERATION.
END TEXT.

4. ISRAELI RESPONSE SHOULD BE AN UNQUALIFIED CON-
FIRMATION OF THE U.S. NOTE AND SHOULD NOT LIMIT THE
ASSURANCES CONTAINED THEREIN IN ANY WAY. IF YOU
WOULD PREFER TO GIVE ISRAELIS PREFERRED TEXT, WE WILL
FURNISH ONE IMMEDIATELY. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUCTIONS, MILITARY EQUIPMENT, DIPLOMATIC NOTES, MILITARY AGREEMENTS, CBU, CAT-B
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Copy: SINGLE
Draft Date: 09 apr 1978
Decaption Date: 01 jan 1960
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Disposition Action: RELEASED
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Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Enclosure: DC IS ALSO X2
Executive Order: X1
Errors: N/A
Expiration:
Film Number: P840150-1821, N780004-0353
Format: TEL
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ISecure: 1
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Litigation Codes:
Litigation History:
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Status: NATIVE
Subject: CLUSTER BOMB UNITS (CBU'S): RESTRICTIONS ON USE
TAGS: MASS, MOPS, IS, LE, US
To: TEL AVIV WHITE HOUSE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/f8a2aab3-c288-dd11-92da-001cc4696bcc
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